IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1788 OF 2007

Bhaskar Antayya Shetty & Ors. ...Petitioners/Orig.Plaffs.
V/s.
Shri Kanji Ramji Jethwa ....Respondent/Orig.Def.

None for Petitioners.
Mr.V.C. Ghosalkar for Respondent.

CORAM : V.M. KANADE, J.
DATED : 18th JULY, 2007.

P.C:-

1. None appears on behalf of the Petitioners. Heard learned counsel for the Respondent.

2. Learned counsel for the Respondent has raised a preliminary objection regarding maintainability of this writ petition. He submits that there is an alternate remedy available to the petitioner of filing an appeal from order against the impugned order which has been passed under Order 9 Rule 9. Hence, the Writ Petition is dismissed. However, liberty is granted to the Petitioner to take out appropriate proceeding before the appropriate Court against the impugned order.

V.M. KANADE, J.